No. 02-629

IN THE

Supreme Court of the United States

KATHLEEN G. ARNOVICK, VALERIE L. COX,
and HENRY B. WANSKER,

Petitioners,

v.

UTAH STATE BAR,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF UTAH

BRIEF IN OPPOSITION

STEVEN T. WATERMAN
RAY QUINNEY & NEBEKER
36 South Main Street
Suite 1400
Salt Lake City, Utah 84111
(801) 532-1500

KATHERINE A. FOX*
UTAH STATE BAR
645 South 200 East
Suite 310
Salt Lake City, Utah 84111
(801) 297-7047

Attorneys for Respondent

* *Counsel of Record*

177502

COUNSEL PRESS
(800) 274-3321 • (800) 359-6859

QUESTION PRESENTED

Did the Utah Supreme Court properly find that Petitioners' due process and equal protection rights were not violated by the Utah State Bar Examination Process?

TABLE OF CONTENTS

	Page
Question Presented	i
Table of Contents	ii
Table of Cited Authorities	iii
Table of Appendices	vi
Statement of the Case	1
Clarification of the Record	2
Reasons for Denying the Petition	5
I. Poor Test Performance And Low Test Scores Rather Than Violations Of Due Process And Equal Protection Account For Petitioners' Lack Of Success On The Bar Exam	5
II. The Utah Bar Exam Is Not A Norm-Referenced Test	6
III. Extensive Discovery In Bar Exam Grievance Proceedings Is Not Constitutionally Mandated	8
IV. The Bar Is Not A State Agency To Which Utah's Administrative Procedures Act Applies	10
Conclusion	11

TABLE OF CITED AUTHORITIES

Page

Cases:

In re Arnovick, 52 P.3d 1246 (Utah 2002) 2, 3, 7

Barnard v. Utah State Bar, 804 P.2d 526 (Utah 1991) 3, 10

Bowles v. Askew, 448 S.E.2d 191 (1994), *cert. denied*, 513 U.S. 1155 (1995) 8

In re Dennis T. Reardon, 378 A.2d 614 (Del. 1977) 6

Giannini v. Real, 911 F.2d 354 (9th Cir. 1990), *cert. denied*, 498 U.S. 1012, 111 S. Ct. 580, 112 L. Ed. 2d 585 (1990) 6, 8

Graham v. Ohio Bd. of Bar Exam'rs., 649 N.E.2d 282 (Ohio 1994), *cert. denied*, *Graham v. Mengel*, 516 U.S. 867 (1995) 6

Hooban v. Washington State Bar, 539 P.2d 686 (Wash. 1975), *appeal dismissed*, 424 U.S. 902 (1976), *rehearing denied*, 434 U.S. 988 (1977) ... 6

In re Application of Lamb, 539 N.W.2d 865 (N.D. 1995), *cert. denied*, 518 U.S. 1008 (1996) 8

Mackey v. Montry, 443 U.S. 1 (1979) 10

Cited Authorities

	Page
Mathews v. Eldridge, 424 U.S. 319 (1976)	6
In re Mead, 361 N.E.2d 403 (Mass. 1976), *cert. denied*, 434 U.S. 858 (1977)	9
In Application of Obermeyer, 717 P.2d 383 (Alaska 1986)	9
Parrish v. B'd of Comm'rs, 533 F.2d 942 (5th Cir. 1976)	9
In Application of Peterson, 459 P.2d 703 (Alaska (1969)	9
In re Reardon, 378 A.2d 614 (Del. 1977)	7
Richardson v. McFadden, 540 F.2d 744 (4th Cir. 1976)	7
Service v. Dulles, 354 U.S. 363, 77 S. Ct. 1152, 1 L. Ed. 2d 1403 (1957)	10
Tyler v. Vickery, 517 F.2d 1089 (5th Cir. 1975), *cert. denied*, 426 U.S. 940 (1976)	9
V-1 Oil Co. v. Dep't of Envtl. Quality, 939 P.2d 1192 (Utah 1997)	6
Vitarelli v. Seaton, 359 U.S. 535, 79 S. Ct. 968, 3 L. Ed. 2d 1012 (1959)	10

Cited Authorities

Page

Statute:

Utah Code Ann. § 63-46b-16(4)(h)(ii) 10, 11

Rule:

Rule 11 of the Utah State Bar Rules Governing Admission 8

TABLE OF APPENDICES

Page

Appendix A — Chart 1a

Appendix B — Record Of Proceedings Dated And Filed March 2, 2001 ..... 2a

STATEMENT OF THE CASE

Petitioners were among the 232 applicants who took the July 2000 Utah Bar Examination ("Bar Exam"). They were not among the 204 applicants who passed. Generally, there are 12 essay questions on the written portion of the two-day exam. Essay questions are either prepared by the Bar's Examiner Committee or prepared by the National Conference of Bar Examiners in the format of Multistate Essay Examination ("MEE") questions that are available for purchase. After administration of the July 2000 Bar Exam, the grading committee met in a process called "sequestration". The grading committee assigned to grade the torts question attempted to conduct the required scoring calibration procedure. The grading committee determined that the torts essay question was defective because it did not fairly assess the examinees' knowledge. The graders consulted with the Bar's General Counsel and Admissions Administrator who consulted with the Director of Testing for the National Conference of Bar Examiners and the torts question was eliminated from consideration. The remaining 11 essay questions were graded as usual.

The Utah State Bar provides an extensive three-level appeal procedure for unsuccessful examinees. Petitioners elected to file grievances after learning that they did not pass the July 2000 Bar Exam. The Bar's Admissions Committee, the Board of Bar Commissioners and the Utah Supreme Court all subsequently considered Petitioners' panoply of claims which ranged from the alleged assignment of identifiable test numbers to claims that the essay questions contained too many issues to identify and answer within the allotted 30 minute time period, in addition to violation of their constitutional rights. The Utah Supreme Court determined

that in constructing, administering and grading the July 2000 Bar Exam, the Bar did not violate Petitioners' rights to due process and equal protection. *See In re Arnovick*, 52 P.3d 1246 (Utah 2002).

CLARIFICATION OF THE RECORD

Petitioners' brief contains several misstatements of fact packaged with misleading implications and omissions. First, the most critical misstatement is the assertion that the Bar Exam is a "norm-referenced test." It is not. A norm-referenced test uses "curving" or a "bell curve" to determine success or failure by reference to the overall performance of the test-taking group rather than in reference to a predetermined standard of performance. A norm-referenced test will always have a fixed percentage of failing examinees. In contrast, the essay portion of the Bar Exam is criterion-based and designed to test minimal competency. Grading of the essay portion is based upon the quality of each individual's answers when compared to a model answer that serves as the predetermined standard. In other words, the more closely an examinee's answer approximates the model answer, the higher the grade on a zero to five point scale. Petitioners rely upon a report by David Gustafson to establish that the Bar Exam is a norm-referenced test. (Pet. App. at 159a-171a.) The report does not provide any factual basis for that conclusion let alone mention the grading committee's use of a model answer. The Utah Supreme Court characterized Mr. Gustafson's report as, "an unreviewed and unsubstantiated statistical analysis. . . ." *Arnovick* at 1249.

Second, another misstatement of fact is that six of the essay questions on the July 2000 Bar Exam were MEE questions and that these answers were graded differently than

the Utah state-prepared essay questions. Neither assertion is accurate. There were only five MEE questions on the Bar Exam and they were graded in the same fashion as the state-prepared essay questions in accordance with the Utah Bar Examiners Committee Grading Handbook: "The MEE and state-prepared essays will both be graded using the procedures described in section V-A thru I." (Pet. App. at 144a.)

Third, the Utah Supreme Court did not, as asserted, "concede that the Petitioners' criticisms of the Bar's grading procedure were mathematically convincing." (Pet. at 8-9.) Petitioners' citation is actually to the parenthetical description of an Alaska (not Arkansas, as attributed) Supreme Court decision. (Pet. App. at 5a.)

Fourth, in examining Petitioners' constitutional claims, the Utah Supreme Court did not, "determine the conduct of the Utah State Bar to be *excusable* (emphasis added)." (Pet. at 2). A cursory reading of the *Arnovick* decision reveals that after analyzing Petitioners' arguments and the facts, the Utah Supreme Court concluded that any alleged irregularities in the testing process, even if true, simply did not rise to the level of a constitutional violation.

Fifth, Petitioners construct a new legal theory not raised below and built on the alleged fact that the Bar Exam was a "state administered professional licensing examination." (Pet. at 2.) The Utah State Bar is not a state agency charged with administering professional licensing tests. The Bar is a § 501(c)(6) corporation that operates under a delegation of authority from the Utah Supreme Court. *Barnard v. Utah State Bar*, 804 P.2d 526, 529-30 (Utah 1991) discusses that the Bar's participation in the admission and lawyer discipline processes does not transform it into a public agency.

Sixth, Petitioners state that the Bar improperly refused their requests for information relating to the Bar Exam. In fact, the Rules Governing Admission only require that unsuccessful applicants be provided copies of the exam essay questions, copies of the applicant's answers and copies of the exam's model answers. The Bar provided not only the required information, but additional documentation as evidenced by a copy of the Utah Supreme Court's Record of Proceedings (docket) sheet. (App. B.) Among that information was mathematical and statistical documentation describing what the Bar uses in the grading process, including the scaling of scores, and a general description of the process by which the Bar composes essay questions. The Bar did not provide requested information that was confidential or too burdensome to produce and which was not required under the Rules Governing Admission: the identity of graders and their professional qualifications and training, and the raw essay scores and raw Multistate Bar Examination scores for every applicant taking the July 2000 Bar Exam.

Finally, Petitioners omit the fact that one of them, Kathleen G. Arnovick, later took and passed the February 2001 Bar Exam.

REASONS FOR DENYING THE PETITION

The Petitioners raise constitutional issues of due process and equal protection to avoid review of their performance on the Bar Exam. The Petition presents no compelling reason to invoke the discretionary jurisdiction of this Court.

I. POOR TEST PERFORMANCE AND LOW TEST SCORES RATHER THAN VIOLATIONS OF DUE PROCESS AND EQUAL PROTECTION ACCOUNT FOR PETITIONERS' LACK OF SUCCESS ON THE BAR EXAM

In an attempt to focus this Court's attention on something other than their own poor performance on the July 2000 Bar Exam, Petitioners proclaim at the outset that, "[u]nlike virtually any other such challenge, the performance of the Petitioners is not at issue here." (Pet. at i.) Poor test performance and low test scores, however, are the reason for Petitioners' failure. They took the same test under the same conditions as did 229 other applicants. A score of 130 was required to pass. The average score for all applicants was 147.69 and nearly 90% of those taking the July 2000 Bar Exam were successful. (App. A.) Petitioner Wansker scored 120.94 (18.1% below average); Petitioner Arnovick scored 126.39 (14.4% below average); and Petitioner Cox scored 127.81 (13.46% below average). (App. A.) Petitioners argue violations of due process and equal protection to shift the blame for their below passing level performance on the Bar Exam.

Bar exam procedures are reviewable when due process or equal protection claims are raised. However, courts uniformly have found that the Constitution does not require

a perfect test nor does it require perfect examiners. In bar exam contexts, the Constitution requires only a rule of rationality. *See, e.g., Graham v. Ohio Bd. of Bar Exam'rs.*, 649 N.E.2d 282 (Ohio 1994), *cert. denied, Graham v. Mengel*, 516 U.S. 867 (1995) (alleging, in pertinent part, that bar examiner grading instructions so defective as to render exam results incapable of measuring applicant's ability to practice law); *In re Dennis T. Reardon*, 378 A.2d 614 (Del. 1977) (failing applicants unsuccessful appeal of bar's choice of treatment of flawed essay question); *Hooban v. Washington State Bar*, 539 P.2d 686 (Wash. 1975), *appeal dismissed*, 424 U.S. 902 (1976), *rehearing denied*, 434 U.S. 988 (1977) (alleging, in pertinent part, that essay exam not perfect).

In accordance with well-established case law, the Utah Supreme Court thoroughly analyzed Petitioners' claims and concluded that any alleged irregularities in the Bar Exam were insufficient to establish that the applicants were treated in an unfair or arbitrary manner. Under a careful analysis of the test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) and *Giannini v. Real*, 911 F.2d 354 (9th Cir. 1990), *cert. denied*, 498 U.S. 1012, 111 S. Ct. 580, 112 L. Ed. 2d 585 (1990), the Utah Supreme Court also reasoned that Petitioners enjoyed adequate procedural due process. *See also V-1 Oil Co. v. Dep't of Envtl. Quality*, 939 P.2d 1192, 1996 (Utah 1997).

II. THE UTAH BAR EXAM IS NOT A NORM-REFERENCED TEST

Petitioners' brief argues that the Bar's alleged norm-referenced test violated their rights to both equal protection and due process. Equal protection violations were not specifically raised at the state level except perhaps through

an oblique reference to "constitutional violations." The only specific equal protection argument raised below was in connection with the Bar's reappraisal process, an issue not raised here. As to due process contentions, Petitioners fail to provide a basis in law for their assertions. The cases cited, *In re Reardon*, 378 A.2d 614 (Del. 1977), and *Richardson v. McFadden*, 540 F.2d 744 (4th Cir. 1976), do not support their due process arguments. *Richardson* vaguely addresses equal protection concerns with a particular curving methodology in scoring examinations. *See Richardson* 540 F.2d at 750. *Reardon* states that certain examinees' preference for grading a defective question on a curve would be inconsistent with the Delaware Bar's goal of measuring minimal competence. *See Reardon*, 378 A.2d 614 at 617-18.

A significant portion of Petitioners' claims of constitutional violations stem from their erroneous assumption that the essay portion of the Bar Exam is a norm-referenced test. It is not. A norm-referenced test measures each applicant's performance relative to other applicants tested, e.g. a "curve." The Bar's grading committee evaluates an applicant's answer relative to a model answer that has been prepared prior to grading, not to another applicant's answer. Furthermore, the Utah Supreme Court made a factual finding that the Bar did not employ a "bell curve" in its grading of the examination. *Arnovick* at 1249. Because the Utah State Bar Exam in not a norm-referenced test graded on a curve, Petitioners' constitutional arguments fail.

III. EXTENSIVE DISCOVERY IN BAR EXAM GRIEVANCE PROCEEDINGS IS NOT CONSTITUTIONALLY MANDATED

Petitioners assert that the Bar's refusal to provide certain information deprived them of due process. In reviewing this claim, the Utah Supreme Court noted that pursuant to Rule 11 of its Rules Governing Admission, the Bar made available to Petitioners: (1) the essay questions; (2) the applicant's answers; and (3) model/sample answers for each question. The court also observed that the Bar made available an outline of Bar Exam passing rate data, a copy of the Bar Examination Grievance Appeal Procedure, an article on equating the MBE and essay scores, copies of the ethics question, grading sheets, answers and score summaries, a copy of the *Bar Examiner Grading Handbook*, and a copy of a letter explaining how examinations are scored. The Court concluded that Petitioners had not had been dealt with in an arbitrary or unfair manner.

In comparison, a number of jurisdictions either have no bar exam review process or have a limited review process along with restricted policies relating to the release of information relating to their bar examinations. Absent serious allegations of fraud or violations based on fundamental rights or protected class status, these procedures have repeatedly passed judicial scrutiny. *See, e.g., In re Application of Lamb*, 539 N.W.2d 865 (N.D. 1995), *cert. denied*, 518 U.S. 1008 (1996) (where, in pertinent part, the bar denied applicant evidence he requested); *Bowles v. Askew*, 448 S.E.2d 191 (1994), *cert. denied*, 513 U.S. 1155 (1995) (inspection of bar exam questions and answers refused; *Giannini v. Real*, 911 F.2d 354 (9th Cir. 1990), *cert. denied*, 498 U.S. 1012 (1990) (allowing applicant to see exam and petition state

supreme court for review of denial of admission satisfied due process); *In re Mead*, 361 N.E.2d 403 (Mass. 1976), *cert. denied*, 434 U.S. 858 (1977) (applicant's discovery motion for a sampling of both passing and failing bar examination papers denied). *See also Tyler v. Vickery*, 517 F.2d 1089 (5th Cir. 1975), *cert. denied*, 426 U.S. 940 (1976) (where the court found that a procedure for review of a failing grade was not constitutionally required because there was an unqualified right to retake the bar exam).

One of two cases, *In re Application of Peterson*, upon which Petitioners rely upon in support of their due process claim to endless discovery was not based on due process but rather, on a state supreme court's notions of fairness and inherent authority to govern the practice of law. *Peterson*, 459 P.2d 703 (Alaska (1969). The Alaska Supreme Court clearly stated in a subsequent case that, "[a]s in *Peterson*, we are not basing our decision on any constitutional due process claims. We are instead acting 'under our inherent powers governing admission to the practice of law and our general supervisory powers pertaining to admissions procedures'". *In re Application of Obermeyer*, 717 P.2d 383, 390 (Alaska 1986). The other case cited in support of their discovery contention is *Parrish v. B'd of Comm'rs*, 533 F.2d 942 (5th Cir. 1976) where the aggrieved applicants alleged racial discrimination, an allegation clearly not applicable here.

IV. THE BAR IS NOT A STATE AGENCY TO WHICH UTAH'S ADMINISTRATIVE PROCEDURES ACT APPLIES

In a novel argument not presented below, Petitioners contend that the Utah Supreme Court ignored the United States Supreme Court cases of *Vitarelli v. Seaton*, 359 U.S. 535, 79 S. Ct. 968, 3 L. Ed. 2d 1012 (1959) and *Service v. Dulles*, 354 U.S. 363, 77 S. Ct. 1152, 1 L. Ed. 2d 1403 (1957), by failing to apply the Utah Administrative Procedures Act ("UAPA") in assessing the Bar's alleged willful violation of various rule provisions. State agencies are under the legislative branch of government and the Bar is under the direction of the Utah Supreme Court. All rules promulgated by the Bar in its regulatory functions are approved by the Utah Supreme Court and are not subject to the rulemaking provisions under the auspices of the Utah State Legislative. As noted above, the Bar is a § 501(c)(6) corporation. *Barnard v. Utah State Bar*, 804 P.2d 526 (1991) discusses the Bar's performance in the regulatory functions of admission to practice law and lawyer discipline and states that those functions did not transform it into a public agency. 804 P.2d at 529-30.

Even if the Bar were a public agency, this Court has held that due process does not require that all governmental decisions comply with standards that assure perfect, error-free determinations. *See, e.g., Mackey v. Montry*, 443 U.S. 1, 5 (1979) (in reviewing state's procedures to a suspend driver's license, Court stated that, "the Due Process Clause has never been constructed to require that the procedures used to guard against an erroneous deprivation of a protectible property or liberty interested be so comprehensive as to preclude any possibility of error").

CONCLUSION

It is axiomatic that this Court's review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari should be granted only for compelling reasons. However, this matter presents no state court opinion that has decided an important federal question that conflicts with the decision of another state court of last resort or of a United States circuit court of appeals. The Petition presents no state court opinion that decided an important question of federal law that should be settled by this Court or an opinion that conflicted with relevant decisions of this Court.

What this case presents are: (1) allegations of erroneous factual findings such as whether the Utah Supreme Court was correct in concluding that Petitioners' grades were not subject to a "bell curve;" (2) new legal theories not raised below that the Utah Administrative Procedures Act should be applied to the Utah State Bar; and (3) an invitation to override a state supreme court's policy decision as to whether the Bar should supply Petitioners with the professional qualifications and training records of members of the Bar Examiner Committee. Ultimately, Petitioners ask this Court to analyze and dictate the Bar's testing methodology based on their preferences, inaccurate assumptions and misapplication of state law. Because this case presents no compelling reason for further review, the Petition for a Writ of Certiorari should be denied.

Respectfully submitted,

STEVEN T. WATERMAN
RAY QUINNEY & NEBEKER
36 South Main Street
Suite 1400
Salt Lake City, Utah 84111
(801) 532-1500

KATHERINE A. FOX*
UTAH STATE BAR
645 South 200 East
Suite 310
Salt Lake City, Utah 84111
(801) 297-7047

Attorneys for Respondent

* *Counsel of Record*

APPENDIX

APPENDIX A — CHART

	APP Score	AVG Score	APP Essay	AVG Essay	APP MBE	AVG MBE
Wanskeer	120.94	147.69	21	28.96	—	144.17
	-18.1%		-27.49%			
Arnovick	126.39	147.69	23	28.96	126	144.17
	-14.4%		-20.58%		-12.6%	
Cox	127.81	147.69	25	28.96	123	144.17
	-13.46%		-13.67%		-14.68%	

APPENDIX B — RECORD OF PROCEEDINGS DATED AND FILED MARCH 2, 2001

Katherine A. Fox (5278)
General Counsel
Utah State Bar
645 South 200 East
Salt Lake City, Utah 84111
Telephone: (801) 297-7047 – Fax: (801) 531-0660

IN THE SUPREME COURT OF THE STATE OF UTAH

In Re:

July 2000 Bar Examination Grievances
(Wansker, Cox and Arnovick)

Record of Proceedings

Case No. 20010136-SC

CORE CHRONOLOGY AND DOCUMENTATION

July 2000 Bar Examination
Administered **(No Tab)** ..... July 25 and 26, 2000

Applicants' Pass/Fail Notification Letters
– *Cox, Arnovick, Wansker* **(Tab 1)** ... September 27, 2000

Applicants' Breakdown of Scores Letters
– *Cox, Arnovick, Wansker* **(Tab 2)** .. October 4 and 16, 2000

Bar Exam Grievance – *Cox* **(Tab 3)** ..... October 26, 2000

Appendix B

Bar Exam Grievance – *Arnovick* **(Tab 4)** .... October 26, 2000

Bar Exam Grievance – *Wansker* **(Tab 5)** ..... October 26, 2000

Deadline For Bar Exam Grievances
(No Tab)..... November 3, 2000

Admissions Committee Findings of Fact and
Recommendation – *Cox* **(Tab 6)** .....December 29, 2000

Admissions Committee Findings of Fact and
Recommendation – *Arnovick* **(Tab 7)** ... December 29, 2000

Admissions Committee Findings of Fact and
Recommendation – *Wansker* **(Tab 8)** ... December 29, 2000

Bar Commission Executive Committee
Meeting **(No Tab)**.....January 8, 2001

Bar Commission Executive Committee
Findings of Fact and Final Determination
– *Cox* **(Tab 9)**.....January 19, 2001

Bar Commission Executive Committee
Findings of Fact and Final Determination
– *Arnovick* **(Tab 10)**..... January 19, 2001

Bar Commission Executive Committee
Findings of Fact and Final Determination
– *Wansker* **(Tab 11)** .....January 19, 2001

Appendix B

GRIEVANTS' REQUESTS FOR INFORMATION AND BAR RESPONSES

Questions and Model Answers Provided to Applicants After Notification Letters of Failure to Pass Sent **(Tab A)** ..... October 2000

Grievants' Initial Set of Requests for Information **(Tab B)** ..... October 26, 2000

Bar's Initial Explanation Response Letter with Attachments: Admission Rule 11-2 and Appeal Procedure **(Tab C)** ..... November 14, 2000

Bar's Response Letter with Attachments: Exam Score Summary; Previously Provided Individual Score Breakdowns; 6 Page Letter with Explanation of Scoring; and 15 Page Article on Mathematics of Scoring **(Tab D)** ..... November 16, 2000

Bar's Response with Attachment: Bar's Historical Pass/Fail Exam Information **(Tab E)** ..... November 21, 2000

Meeting with Grievants' Attorney Carolyn Montgomery, Katherine Fox (Bar's General Counsel) and Rusty Vetter (Admissions Committee Member) **(No Tab)**..... November 21, 2000

Bar's Response Letter re Explanation of Correction on Score Breakdown Letters **(Tab F)** .. November 22, 2000

Appendix B

Bar's Response Providing Copy of Utah Bar Examiners Committee Grading Handbook **(Tab G)** ..... November 2000

Bar's Response with Attachments: Ethics Grading Sheets For *Cox* and *Arnovick;* Previously Provided Applicants' Answers; Applicant Model Answers; and Grade Tally Sheet with Subsequent Correction **(Tab H)** .....December 1, 2000

Bar's Response Letter Addressing: Sequestration Process; Calibration Process; Internal Review Grading and Scoring Mechanism; Identities of Graders; and Requests For Applicants' Admission Files **(Tab I)**.....December 14, 2000

Bar's Response Letter Providing Unsigned Courtesy Copies of Admissions Committee Findings and Addressing Scheduling of Bar Commissioner Review **(Tab J)** .....December 21, 2000

Bar's Enclosure Letter Accompanying Signed, Final Copies of Findings of Fact **(Tab K)** ....December 29, 2000

Grievants' Objections to Admissions Committee Findings of Fact and Recommendation *Cox*, *Arnovick*, *Wansker* **(Tab L)**.....January 5, 2001

Grievants' Exhibits to Objections **(Colored Tabs 1-9)** .....January 5, 2001

Appendix B

Grievants' Appendix "A" Containing
"Summary of Mathematical and Statistical
Discrepancies" **(Tab M)** ..... January 5, 2001

Grievants' Supplemental and Renewal
Requests for Information **(Tab N)**..... January 8, 2001

Bar's Response Letter to Grievants'
"Summary of Mathematical And
Statistical Discrepancies" **(Tab O)** ..... January 17, 2001

Grievants' Letter with Request to Submit
Psychometrician Expert Report **(Tab P)**.. January 24, 2001

Bar's Response Letter Addressing Request
for Information:
"Bell Curve" Terminology; Attorney
Applicant Identification Numbers;
Possession of Grading Materials; and
Declining to Produce Remaining
Requested Information **(Tab Q)** ..... January 29, 2001

Dated this 2nd day of March, 2001.

s/ Katherine A. Fox
Katherine A. Fox, General Counsel
Utah State Bar